

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID KAHN, :

Plaintiff, : ORDER

-v.- : 19 Civ. 2330 (JMF) (GWG)

RICHARD KULASZEWSKI, :

Defendant. :

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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

The Court has received the parties' responses to the Order to Show Cause (Docket ## 25, 26). Mr. Fitzgerald's response is satisfactory and no sanction will issue as to Mr. Fitzgerald.

Mr. Kavesh's response, by contrast, is not satisfactory because he either refuses or is unable to recognize that he acted improperly. Instead, he points to the fact that the adjournment request was made "with the intent of avoiding the use of the Court's time at what would have been an unsuccessful settlement conference." (Docket # 25). This is not the point, as the Court already explained in its prior Order:

. . . [T]he adjournment on October 1 was specifically requested in order to schedule depositions. Obviously, the need to schedule those depositions before the settlement conference would be foreseeable long before November 22 -- the date the Court's clerk happened to remind the attorneys of their obligation to provide settlement submissions. In the end, this letter provides no explanation for the fact that counsel (1) unjustifiably let a court-ordered deadline pass without seeking an extension and (2) unjustifiably failed to make a request for an adjournment at the time counsel was required to make it (that is, as soon as he knew the adjournment would be required).

(Docket # 24 at 2) (emphasis added). It is the timing of the adjournment that was improper — not the fact that it was made at all.

In light of Mr. Kavesh's refusal to take responsibility for his actions, a sanction is certainly appropriate. Nonetheless, the Court chooses to defer taking action at this time. For now, the Court will simply admonish Mr. Kavesh not to violate Court orders in the future — especially in ways that waste the Court's time.

SO ORDERED.

Dated: December 19, 2019
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge